CASE PROCESSING STANDARDS ANALYSIS FAMILY LAW – PRE-DECREE TEMPORARY ORDERS

National Center for State Courts Intermediate Time Standards for Temporary Orders:

98% within 60 days

Measurement: The filing of a motion for temporary orders to the date of disposition of the petition or motion for temporary orders.

Arizona Family Law – Pre-decree Temporary Orders

The following standards have been adopted for Family Law Pre-decree Temporary Orders:

90% within 60 days 98% within 120 days

✓ Only pre-decree temporary orders are included.

Measurement: The filing of a motion for temporary orders to the date of disposition of the

petition or motion for temporary orders.

Excluded Time: No excluded time.

Arizona Rules and Statutes	Timelines under Statute and Rule
Motion Filed: Rule 47(a), ARFLP ¹ (Temporary Orders With Notice)	(Measurement Starts Here) With Notice: A party seeking temporary orders for legal decision-making, parenting time, child support, or spousal maintenance, or concerning property, debt, or attorney fees, must file a separate verified motion with the court setting forth the legal and jurisdictional basis for the motion and the specific relief requested. The motion must be filed after or concurrently with the initial petition.
Rule 48(a), ARFLP (Temporary Orders Without Notice)	Without Notice - Motion: A party seeking a temporary order without notice shall do so by filing a verified motion, along with a proposed form of order and a notice of hearing on the motion. The motion may be filed at the same time or after filing an initial pre-decree or post-decree petition.
Rule 48(c), ARFLP	Without Notice - Order: A temporary order granted without notice must specify the injury, loss, or damage and why it is irreparable, and state why the order was granted without notice. Temporary orders expire at the date and time set for hearing on the motion, unless extended by the court for good cause.
Rule 48(d), ARFLP	Without Notice - Hearing: A hearing must be set on the motion within 10 days from the entry of the order, unless extended by the court for good cause. The nonmoving party may request an earlier evidentiary hearing.

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¹ Arizona Rules of Family Law Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 48(e), ARFLP	Without Notice - Service: The order and notice of the evidentiary hearing must be served as soon as possible after the order's entry or as the court directs.
Order to Appear: Rule 47(b), ARFLP (Temporary Orders With Notice)	Unless a local rule establishes a different procedure, the moving party must submit to the assigned judicial officer the original and one copy of an order to appear substantially in the form set forth in Form 13, Rule 97. The clerk of the court will file the original order to appear when the assigned judicial officer signs it.
Hearing: Rule 47(b), ARFLP (Temporary Orders With Notice)	Upon receiving a motion for temporary orders, the court must schedule a resolution management conference within 30 days after the motion is filed. If, at the conclusion of the resolution management conference, issues remain that require an evidentiary hearing, the court must schedule an evidentiary hearing on those issues. The evidentiary hearing must be set within 30 days after the conference, unless the parties agree to a different timeframe. The court may extend these timeframes for good cause. Notwithstanding the above, if a party files a pre-decree motion for temporary orders requesting legal decision-making or parenting time, the court must hold an evidentiary hearing within 60 days after the party files the motion unless: (1) the filing party waives the requirement for a hearing within 60 days, (2) temporary orders are established through a separate conference or hearing that is held within 60 days after the party files the motion, or (3) extraordinary circumstances exist and the court is not able to schedule the hearing within 60 days. If the court is not able to schedule the hearing within 60 days after the motion is filed, it must make a written finding on the record regarding the cause of the delay.
Service of Process: Rule 47(d), ARFLP (Temporary Orders With Notice)	The moving party must serve all parties according to Rules 40(f)(1) or 41 with documents described in sections (a) and (b) of Rule 47. The moving party must make good faith efforts to complete service promptly and, absent good cause, must complete service within 5 days after receipt of the issued order to appear and not later than 14 days before the date set in the order.
Response: Rule 47(e), ARFLP (Temporary Orders With Notice)	A party served with an order to appear on a motion for temporary orders is not required to file a response to the motion, but if the party does file a response, the party must verify it. Whether or not the party files a response, the party must fully comply with the requirements of Rule 47(f). Additionally, if the motion requests child support, the party must file a completed child support worksheet. Copies of all filed documents must be provided to the assigned judicial officer and the moving party not later than 3 days before the date set for a conference or hearing.
Conference or Hearing:	

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Arizona Rules and	Timelines under Statute and Rule
Statutes	
Rule 47(f), ARFLP (Temporary Orders With Notice)	Requirements Prior to Conference or Hearing: At least 3 days before any conference or evidentiary hearing set by the court under Rule 47(c), the parties and counsel must meet and confer. If the matter is set for a resolution management conference, the parties must submit a resolution statement substantially in the form set forth in Form 4 or 5, as applicable, Rule 97, not later than 3 days before the date set for the conference or hearing.
	Not later than 3 days before the date set for an evidentiary hearing, the parties must exchange any exhibits they will offer at the hearing, unless otherwise ordered by the court. Each party must provide to the other party a list of the names, addresses, and telephone numbers of all witnesses who may testify at the hearing, and the subject of their anticipated testimony.
	If there is a current court order prohibiting contact between the parties, or there is a history of domestic violence between the parties, the parties are not required to personally meet, confer, or contact each other before the conference or hearing, or otherwise violate an existing protective order. However, if a party is represented by counsel, then counsel must take reasonable steps under the circumstances to resolve as many issues as possible.
Rule 47(g), ARFLP	Attendance: All parties and their counsel, if they are represented, must appear at any pretrial conference, resolution management conference, or evidentiary hearing.
Motion for Temporary Simplified Child Support Order:	
Rule 47.1, ARFLP (Temporary Orders With Notice)	Unless otherwise provided by local rule, a party seeking a temporary child support order under ARS §§ 25-315 or 25-817 may request a simplified order by filing with the court a verified motion for simplified temporary child support order, a completed child support worksheet, a proposed simplified temporary child support order, and a proposed income withholding order. The motion must advise the responding party of the requirement to timely file a response and a completed child support worksheet and that failure to do so may result in the court entering the requested temporary child support order.
Service of Process: Rule 47.1(a)(4), ARFLP	The motion must be served on the responding party in the manner set forth in Rules $47(f)(1)$ or 41 , as applicable.
Response: Rule 47.1(b), ARFLP	The responding party has 20 days , if served in Arizona, or 30 days if served outside of Arizona, to file a response. If no response is filed, or if the response does not specifically contest the child support requested in the motion, the proposed simplified temporary child support order and income withholding order will be entered, without a hearing, provided

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Arizona Rules and	Timelines under Statute and Rule
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	that the available information in support of the temporary order appears accurate and provides the court with adequate information to determine the amount of child support pursuant to the Arizona Child Support Guidelines.
Servicemembers	
protections: 50 USC § 3931	Protection of servicemembers against default judgments: This provision applies to any civil action or proceeding, including any child custody proceeding, in which the defendant (respondent) does not make an appearance. The court must grant a stay of proceedings for a minimum period of 90 days upon application of counsel, or on the court's own motion, if the court determines that: 1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant (respondent), and 2) after due diligence, counsel has been unable to contact the defendant (respondent) or otherwise determine if a meritorious defense exists.
50 USC § 3932	Stay of proceedings when servicemember has notice: This provision applies to any civil action or proceeding, including any child custody proceeding, in which the plaintiff or defendant (respondent) at the time of filing for a stay is in the military or is within 90 days after termination of or release from military service and has received notice of the action or proceeding. The court may on its own motion and must, upon application by the servicemember, stay the action for a period of not less than 90 days, if conditions are met. Conditions include a letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear, as well as a letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter. The servicemember may also apply for an additional stay based on continuing material effect of military duty on the servicemember's ability to appear.
50 USC § 3934	Stay or vacation of execution of judgments, attachments, and garnishments: If a servicemember, in the opinion of the court, is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and must, on application by the servicemember: (1) stay the execution of any judgment or order entered against servicemember; and (2) vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party, whether before or after judgment. (Measurement Stops When Temporary Order Entered)

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